

**GOVERNOR'S COMMISSION
ON
MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

**MAY 16, 2005
MINUTES**

The Governor's Commission on Minority and Women's Business Enterprises met on May 16, 2005 in the Indiana Government Center South, Conference Center Room A, Indianapolis, IN.

ROLL CALL

Commission members present:

Tony Kirkland, Executive Assistant to Governor Mitchell Daniels, Jr.
Earl A. Goode, Commissioner, Indiana Department of Administration
Amar Patel, Pat Miller's Designee, Secretary of Commerce
Thomas Sharp and Martha Kenley, INDOT, Director of Economic Opportunity
Gary Gibson, Gibson & Associates, LLC
Rae Pearson, Alpha Rae Personnel
Gregory Porter, Indiana State Representative
Sylvia Trotter, Trotter Construction Company
Charles Garcia, G. M. Construction Company
Nell Hill, Caesars Indiana
Priya Wharton, Tri-Star Engineering
Billie Breaux, Indiana State Senator

Commission members absent:

Ron Alting, Indiana State Senator
Raymond Wellons (Inactive)
William Harmon, Harmon Construction
Cleo Duncan, Indiana State Representative

CALL TO ORDER

The meeting was called to order by Chairman, Tony Kirkland.

MINUTES

The Minutes from the March 13, 2005 Commission meeting were e-mailed to Commissioners prior to the meeting. **Commissioner Pearson moved and Mr. Patel seconded that the previous minutes be approved. Motion carried unanimously.**

DEPUTY COMMISSIONER'S REPORT

Three ring binders were provided to each Commission Member. Each three ring binder contained the following documentation:

Section 1 – Division Reports

- Deputy Commissioner's Report dated 5-16-05
- Proposed Rule changes for LSA Document # 05-25

Section 2 – Commission Proposals

Section 3 – State and Federal Regulations

- 25 IAC - MWBED Legislation
- 49 CFR, Part 26 – DBE Legislation

Section 4 – Department Policies

- Executive Order 5-11
- 2005 Department Metrics for the Indiana Department of Administration
- IDOA, Procurement Division's MWBE Participation Verification
- MWBED Monitoring and Compliance Procedures
- MWBED Internal Review Policy Revisions

Section 5 – Statistics

- MWBED Activity Reports

Section 6 – Minutes

- March 14, 2005 Commission Meeting Minutes

Section 7 – Miscellaneous

Claudia Cummings, Deputy Commissioner for Minority and Women Business Enterprises Division (MWBED), introduced a new Executive Staff and discussed MWBED activities for the past three months. She provided clarification of Executive Order 5-11 and presented her report on the new direction of the MWBED. The Division will be focusing on contract compliance and marketing. A copy of her report was provided in the binders that were passed out at the meeting, under Tab 1.

The Deputy Commissioner announced the Public Hearing to discuss the Proposed Rule Changes (LSA Document #5-25) for MWBED. The Public Hearing will take place on June 22, at the Indiana Government Center South in the Conference Center, Room 22 at 10:00am. A copy of the Proposed Rule Changes was provided to the Commissioners in the binders that were passed out, under Tab 1.

During the Deputy Commissioner's discussion on Executive Order 5-11, Commissioner Wharton suggested that we accept SBA certification, in the same manner as IBDC. Ms. Cummings clarified that Executive Order 5-11 states that MWBED continue to look for additional certifying organizations to partner with and she agreed to actively seek out partnering opportunities.

Deputy Commissioner Cummings opened for questions...

Commissioner Porter asked where the '05 Metrics, Annual Participation Goals, were obtained, Deputy Commissioner Cummings clarified they were from Commissioner Martindale's September (2004) memo.

Regarding Executive Order 5-11, Commissioner Porter was concerned about the IBDC charging a \$200 application fee. Deputy Commissioner Cummings clarified that the State will continue to certify minority, women and disadvantaged businesses and certification will remain free through the MWBED. Additionally, MWBED will make the final determination as to whether a company is certified by the State through the IBDC.

OLD BUSINESS

Deputy Attorney General DeAnna Brunner spoke and provided the Commission with a copy of a letter from Gregory Zoeller, Chief Deputy in the Attorney General's office, dated May 16, 2005, to Deputy Commissioner Cummings. The letter discussed the past disparity study and MWBED's proposed participation goals.

Presentation

Wendy Orange, Deputy Director of Operations, presented her findings of the MWBED's Statistical Analysis of Utilization Study for Indiana Contracts from January 1 thru April 15, 2005. Wendy also reported the Division's recommendations for changes to the MWBED participation goals. The Study for this discussion was passed out at the meeting and is available on the MWBED website at www.in.gov/idoa/minority.

The Recommended Participation Rate Changes were as follows:

	MBE Participation Goal	WBE Participation Goal
Construction	6%	6%
Professional Services	7%	10%
Supplies	3%	3%

After Mrs. Orange's presentation, discussion ensued about the Mason Tillman Disparity Study versus the analysis that was presented at the meeting.

Commissioner Rae Pearson moved to vote on the Recommended Participation Rate Changes; Commissioner Priya Wharton seconded the motion. Motion carried.

Commissioner Pearson's original motion was for a six month period, however, Tracy Richardson, Deputy Attorney General, advised the Commission that the regulations specifically provide for annual goals. Chairman Kirkland restated the motion, with Commissioner Pearson's approval, that the goals would be in place for one year in accordance with the regulatory requirements. During that year, the Division will work to secure a disparity study to be used for future goal setting.

Voting commenced.

Voting to adopt Recommended Participation Rate Changes, effective July 1, 2005, passed by a vote of 7 to 3, for a period of 1 year until a new Disparity Study is complete.

Voting Results:

Yes

Earl Goode
Tony Kirkland
Nell Hill
Priya Wharton
Rae Pearson
Amar Patel (Pat Miller)
Thomas Sharp

No

Charles Garcia
Gary Gibson
Sylvia Trotter

Deputy Attorney General DeAnna Brunner stated she was not aware if proper notice of this meeting was given.

PUBLIC COMMENT

Greg Taylor, Locke Reynolds
Cassie Stockamp, NAWBO

ADJOURNMENT

Chairman Kirkland suggested that the meeting be adjourned; it was moved and seconded that the meeting be adjourned. Meeting adjourned at approximately 3:00pm. (The tape is inaudible at this point and I am unable to determine who moved and seconded this motion.)

Respectfully submitted,

Paula VanDeVanter
Commission Secretary